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UNITED STATES BANKRUPTCY COURT  
 EASTERN DISTRICT OF CALIFORNIA FRESNO

In re:	Case No.: 19-11859-B-13
JOSHUA RUSSELL BOVARD,	DCN: FW-5
Debtor(s).	Chapter 13
	FINAL APPLICATION FOR PAYMENT OF FEES AND EXPENSES PURSUANT TO 11 U.S.C. §330
	<b>DATE: February 28, 2024</b> <b>TIME: 9:30 a.m.</b> <b>PLACE: U.S. Courthouse, 5th Floor</b> <b>2500 Tulare Street</b> <b>Fresno, California 93721</b> <b>JUDGE: Honorable René Lastreto II</b>

**1. SUMMARY TABLE**

*In the fields below, indicate the total compensation and or expenses requested in this application. Do not include amounts of compensation or expenses previously approved by the court. Prior approvals, including amounts, are set forth below in section 4.*

a. Name of Applicant	Fear Waddell, P.C.
b. Amount of Compensation Requested	\$3,296.50
c. Amount of Expenses Requested	\$137.99
d. Total Compensation and Expenses Requested this Application	\$3,434.49
e. Time Period of Current Application	November 1, 2021 to January 17, 2024
f. Fees and Expenses to be paid by Trustee or Debtor Direct (Fee paid part by trustee and debtor explain in paragraph. 9 (3).)	Trustee
g. Number of Prior Fee Applications Approved	Two Previous Fee Applications

## 2. ATTORNEY OPTION REGARDING COMPENSATION

*Pursuant to LBR 2016-1, counsel for debtor previously opted to be paid in this Chapter 13 case as follows:*

a. Elected to be paid in accordance with LBR 2016-1(c).	<b>No</b>
1. Business Case	
2. Fees Charged	
3. Rights and Responsibilities Executed and Filed.	
4. Pre-filing Attorney Fees Received	
5. Fees in Plan	
6. Fees Paid to Date by Trustee	
7. Monthly Chapter 13 Administrative Payment	
b. Elected to have compensation determined in accordance with 11 U.S.C. §§329 and 330, Fed. R. Bankr. P. 2002, 2006, and 2017.	<b>Yes</b>
1. Pre-filing attorney fees paid (see Sec. 8(6) below)	\$1,500.00 (plus filing fee \$313.00)
2. Amount of Retainer Held in Trust	\$0.00
3. Total Amount Reserved for Atty. Fees in Plan (See Plan Para. 2.06 or 5.01)	\$26,000.00
4. Monthly amount provided in plan for administrative fees	\$785.71

## 3. CASE INFORMATION

a. Chapter 13 Second Modified Plan Confirmed	<b>Yes</b>	Date Confirmed: October 2, 2020
b. Motion to Dismiss Pending	<b>No</b>	Date:
c. All Motions to Value Collateral/Avoid Liens Filed and Heard	<b>Yes</b>	
d. Motion to Modify Pending	<b>No</b>	
e. Notice of Filed Claims Filed	<b>Yes</b>	
f. All Objections to Claims Filed and Heard	<b>Yes</b>	

## 4. SUMMARY OF PREVIOUS FEES ALLOWED

Date of Hearing	Fees Allowed	Costs Allowed
March 11, 2020	\$13,134.50	\$458.39
December 15, 2021	\$6,174.00	\$229.25
<b>Total</b>	<b>\$19,308.50</b>	<b>\$687.64</b>

**5. CATEGORY FEE SUMMARY***(Only shows hours in category for current fee application not prior time spent in categories)*

Project	Hours	Total Fees Charged
B501-Pre-petition Consultation and Fact Gathering		
B502-Preparation of Voluntary Petition, Schedules and Form 22C		
B503-Independent Verification of Information		
B505-Amendments to Petitions and/or Schedules		
B510-341 Preparation and Attendance		
B520-Claim Administration and Claim Objections		
B530-Original Plan, Hearings, Objections		
B531-1 <sup>st</sup> Amended or Modified Plan, Motions, Objections		
B532-2 <sup>nd</sup> Amended or Modified Plan, Motions, Objections	0.40	\$144.00
B533-3 <sup>rd</sup> Amended or Modified Plan, Motions, Objections		
B540-Motions to Dismiss	2.80	\$892.50
B550-Relief From Stay Proceedings		
B560-Motions: <i>Example, Motions to Value Property, Motion to Avoid Liens, Motion to Incur Debt, Motion to Sell Property, other Motions.</i>		
B570-Fee Applications	5.00	\$926.00
B580-Discharge and Case Closing	2.50	\$950.00
B590-Case Administration	1.10	\$384.00
Other		
<b>Total Fees Charged</b>	<b>11.80</b>	<b>\$3,296.50</b>

**6. SUMMARY BY PROFESSIONAL**

Professional	Hourly Rate	Total Hours	Total Fees This Person
a. Gabriel J. Waddell (2022)	\$345.00	3.30	\$1,138.50
b. Gabriel J. Waddell (2023)	\$360.00	1.50	\$540.00
c. Gabriel J. Waddell (2024)	\$380.00	0.20	\$76.00
d. Gabriel J. Waddell (2024) – estimated time	\$380.00	2.50	\$950.00
e. Kayla Schlaak (2021)	\$110.00	1.20	\$132.00
f. Kayla Schlaak (2023)	\$140.00	0.90	\$126.00
g. Kayla Schlaak (2024)	\$160.00	1.90	\$304.00
h. Laurel Guenther (2022)	\$100.00	0.30	\$30.00

**7. EXPENSE SUMMARY**

Type Of Expense	Amount
a. Photocopying	\$83.35
b. Postage	\$54.64
c. Computer Legal Research	
d. Filing Fees	
e. Other	
Total Expenses	<b>\$137.99</b>

**8. DECLARATIONS****(1) Penalty of Perjury:**

Applicant declares under penalty of perjury under the laws of the United States of America that the foregoing Application and all attached supporting documentation are true and correct and accurately reflect the services rendered and expenses incurred.

**(2) Attorney Option:**

Applicant originally opted to receive fees pursuant to Local Bankruptcy Rule 2016-1 (c). (See 2. Above)

No; no explanation is required.

a. Facts:

**(3) Chapter 13 Plan Feasibility:**

I have reviewed the Chapter 13 Trustees data and the Chapter 13 Plan. If the fees and expenses sought to be approved are to be paid through the Chapter 13 Plan, the plan is feasible and will complete timely. If the fees and expenses are to be paid by the debtor(s) directly the following explains the source of the funds.

a. Facts:

Debtor's plan provides for \$26,000.00. Applicant's first fee application was for \$13,592.89, and this amount was paid by the Chapter 13 Trustee. Applicant's second fee application was for \$6,403.25, and this amount was paid by the Chapter 13 Trustee. The amount of \$6,003.86 remains available for attorney fees. This application is within this amount making the plan feasible and able to complete timely.

**(4) Unauthorized Payments:**

After the filing of this bankruptcy, I have not accepted or demanded from the debtor or any other person any payment for services or costs reimbursement without first obtaining a court order authorizing the fees and/or costs and specifically permitting direct payment of those fees and/or costs by the debtor.

**(5) Sharing of Compensation:**

I have not agreed to share the above disclosed compensation with another person unless they are members and associates of my law firm.

**(6) Explanation Regarding Pre-Petition and Post-Petition Fees:**

If this is the first fee application filed by Applicant in this case, the documentation included with this fee application shows time spent both prior to and after the filing of the petition. Pre-petition time spent is included to show all work done in the case and how the total amount is calculated. Debtor paid for some or all of the pre-petition time spent before the bankruptcy case was filed (See Section 2(1)). The amount of fees and expenses for which Applicant is seeking approval (the amount stated in Section 1) is the total amount of billable time and expenses incurred both pre- and post-petition (as disclosed in Sections 5 and 6) less the amount Debtor paid to the firm pre-petition (as disclosed in Section 2(1)). If this is a subsequent fee application, the total amount of fees and expenses for which approval is sought (Section 1) is the sum of amounts disclosed in Sections 5 and 6.

**WHEREFORE**, the Applicant requests:

1. That this current Application for Fees and Costs be approved.
2. That the fees and costs previously approved on an interim basis be approved on a final basis.
3. That the Trustee pay such approved and unpaid fees and costs to the extent available by Debtor's current plan.
4. For such other and further relief as the Court deems proper.

Date: January 17, 2024

Respectfully Submitted,  
/s/ Gabriel J. Waddell  
Attorney for Debtor(s)